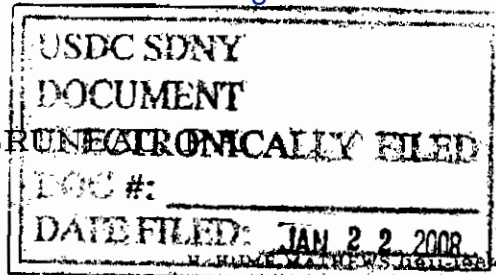MATHEWS, SHEPHERD, McKAY & BRUNEAU

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January 18, 2008

<u>*Via Facsimile: 212-805-0426*</u>
Hon. Laura T. Swain
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 755
New York, New York 10007

RE: *Aedes De Venustas, Inc. v. Venustas International, LLC*
       S.D.N.Y. Case No. 07 4530 (LTS)(THK)
       Our File Number: 5423-104

Dear Judge Swain:

I am saddened to receive Mr. Heppt's letter to Your Honor of today. I did indeed tell Mr. Heppt that I would file the motion by January 11, 2008, but I was unable to complete the motion by that time due to the press of a number of other personal as well as client litigation matters.

Let me assure the Court I am not dragging my feet. I was in fact sitting at my desk working on the brief when I received Mr. Heppt's letter.

The motion was almost complete and we would therefore ask the Court's further indulgence and allow defendant until next week in which to file this Motion for Partial Summary Judgment. We are filing the proposed Order with ECF which I understand must be done before the Motion can be filed.

Respectfully Submitted,

MATHEWS, SHEPHERD, McKAY & BRUNEAU

Robert G. Shepherd

Copies ~~mailed~~/faxed to *All Parties*
Chambers of Judge Swain
                           1-18-08

Any such motion shall be filed by defendant, and served (with a courtesy copy for chambers) by 1/25/08. The undersigned has not stayed discovery in this matter.

SO ORDERED.

LAURA TAYLOR SWAIN   1/18/08
UNITED STATES DISTRICT JUDGE

RGS:dm
Enc.
Cc: Joseph M. Heppt, Esq. (via Facsimile)